

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	MM Docket No. 99-25
)	
Creation of a Low)	RM-9208
Power Radio Service)	RM-9242
)	

March 31, 2001

OPPOSITION AND RESPONSE TO PETITION FOR RECONSIDERATION

Mountain Empire Community Broadcasting Inc. is opposed to Alan W. Jurison Petition for Reconsideration to increased protection of superpower FM stations operating in the non- reserved band. **Mr. Jurison petition reconsideration should not be granted.** Mr. Jurison petition requires only LP-100 and LP-10 stations to increase distance separations to superpower FM stations and not other classes of full power FM stations.

The Commission rules are clear that superpower FM stations may continue to operate as authorized but their protected signal contour is only protected to their present authorization class. Regrettably this same standard should have been used for the other 23 NCE stations listed in the Commission's Order for Low Power FM.

The Commission is not requiring the Low Power FM applicant to perform a complex and expensive signal analysis. The Commission's Low Power FM Channel Finder states that the applicant should listen to the channel to confirm that the channel is free from interference. Because of terrain factors there maybe opportunities for a Low

Power FM station operate on the same channel as a superpower FM station and serve a community without interference problems. This flexibility should be left up to the applicant.

The issues and conditions of 1961 that brought about the grandfathering of many of the superpower FM stations do not exist today. A far better solution to the problem is to require the superpower FM stations to follow the same power rules as every other FM station. Today there is no possible justification why superpower FM stations can't operate under the same power rules as other FM stations. Most of them if not all have auxiliary facilities that comply with current power rules. Compliance with today's power rules is just a switch away.

Conclusion

We urge the Commission to reject Mr. Jurison petition for reconsideration on the basis of 47 C.F.R. 73.209 (B). We also urge the Commission to issue a **Notice of Inquiry (NOI)** on the need if any to continue to grandfather superpower FM stations from 47 C.F.R. 73.211. Superpower FM stations have out lived its usefulness. The only tool the Commission has for preventing interference on the FM broadcast band is distance separations and rules governing maximum power and antenna heights. Having superpower FM stations that operate at as much as 91,500 watts above what they should be operating at under 47 C.F.R. 73.211 is a problem for **every FM broadcaster and the public**. What Mr. Jurison petition brings to light is the need to revisit the issue of the 173 superpower FM stations operating in the United States. They not only effect future Low Power FM station assignments but all full power stations on or near there assigned

frequencies as well. They are going to have an impact on possible roll out IBOC digital radio.

The public interest is far better served by addressing the superpower FM station problem and not legitimizing it by forcing LP-100 and LP-10 applicants to increase spacing to superpower FM stations when other full power stations are not required to do the same.

Respectfully Submitted,

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